

## EXHIBIT 11

### BROWN DECLARATION IN SUPPORT OF MOTION TO EXCLUDE

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE )  
ANTITRUST LITIGATION )  
 ) No. 11-CV-2509-LHK  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS. )

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VIDEOTAPED DEPOSITION OF DEBORAH CONRAD  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
November 21, 2012

Reported by: Anne Torreano, CSR No. 10520

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1 processor or to be used in other devices like iPods and  
2 the Nano for memory.

3 Q. And did Intel provide the processors for those  
4 latter two devices?

5 A. No.

11:05:48

6 Q. Whose idea was it to form the Apple team at  
7 Intel?

8 A. Mine, I guess. I was asked to build -- put a  
9 team together, and that's what I did.

10 Q. Well, who asked you to put the team together? 11:06:20

11 A. Paul.

12 Q. Paul Otellini?

13 A. Paul Otellini.

14 Q. And he was the CEO of the company at the time?

15 A. Yes.

11:06:27

16 Q. And I'm sorry. When -- just so I'm clear,  
17 when the Apple team was formed in March of 2005, were  
18 you the first -- you were in charge; right?

19 A. Yes. There was no organization before that.

20 I was the first employee and then built the team. 11:06:50

21 Q. So there was no -- you didn't have a  
22 predecessor?

23 A. Correct.

24 Q. But then once this organization was formed,  
25 who did you report to? Did you report to Mr. Otellini 11:07:00

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1 or someone else?

2 A. I reported to Anand Chandrasekher, who  
3 reported to Paul at the time.

4 Q. Okay. With that kind of March 2005 date in  
5 mind, can you tell me when you first spoke to 11:07:16  
6 Mr. Mansfield about the agreement between Apple and  
7 Intel?

8 A. The time that I remember the discussion was  
9 several years later. We were in the middle of a very  
10 ambitious engineering project and had some very 11:07:34  
11 critical milestones, and we had people on site at  
12 Apple. And it was at that time that he, Bob, had come  
13 to me and said, let's make sure we're staffing up our  
14 respective teams and not filling each other's holes  
15 with our very unique and rare talent. It was a very 11:07:52  
16 exclusive kind of engineering capability we were  
17 building up.

18 Q. Let me make sure I have that clear.

19 So is it your testimony that the first time  
20 you spoke to Mr. Mansfield about the agreement was in 11:08:08  
21 approximately 2007?

22 A. Yes, that's what I remember. Yes.

23 Q. And so prior to that time, namely, between  
24 March of 2005 and that first conversation with  
25 Mr. Mansfield, is it your recollection that there was 11:08:25

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1 no agreement between Apple and Intel regarding  
2 poaching, cold-calling?

3 A. Yes.

4 Q. Okay. Now, when Mr. Mansfield first  
5 approached you in 2007 about the agreement, did you 11:08:53  
6 agree right away that it was a good idea?

7 A. Yes.

8 Q. Okay. Did you consult with any of your  
9 superiors about the agreement on or about that time?

10 A. No. 11:09:12

11 Q. Did you ever seek legal counsel at that time?

12 A. Not on that specific topic, no.

13 Q. Okay. And so for example, when you -- when  
14 you spoke to Mr. Mansfield and he suggested this  
15 agreement, you didn't check with lawyers at Intel to 11:09:31  
16 see if there was any kind of legal issue surrounding  
17 it, did you?

18 MR. HINMAN: Asked and answered.

19 THE WITNESS: No.

20 BY MR. SAVERI: 11:09:42

21 Q. Is there any written record of this agreement?

22 A. No, not that I know of.

23 Q. Now, at the time -- or while you were in  
24 charge of the Apple team, did you keep a notebook?

25 A. A note -- I'm sorry. I don't understand. 11:10:09

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1 prepared while I was out on medical leave, and I did  
2 not have a chance to look at it. I would have  
3 corrected it then.

4 Q. And so that's fair.

5 Let me just ask you, as far as you're aware, 12:00:56  
6 was there someone else at Intel that was contacted by  
7 Apple in the latter half of 2005 regarding this  
8 subject?

9 A. In the beginning of the relationship -- the  
10 answer is "yes." 12:01:15

11 In the beginning of the relationship, both  
12 sides were very enthusiastic and wanted -- and there  
13 were employees on both sides that wanted to  
14 collaborate, and so there was just -- I would say just  
15 general enthusiasm about the whole relationship, and 12:01:30  
16 people wanted to understand about job opportunities on  
17 both sides.

18 Q. And I just want to be as clear as I possibly  
19 can about this.

20 A. Yes. This is not referring to the 12:01:43  
21 conversation with Bob Mansfield.

22 Q. And I guess my question is, are you aware  
23 whether or not anybody else at Intel had a  
24 communication with Apple in the latter half of 2005 --

25 A. No. 12:01:55

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1 Q. -- regarding this subject?

2 MR. HINMAN: And "this subject," I'm just  
3 going to object as vague, and maybe you want to sharpen  
4 it up a bit.

5 MR. SAVERI: And I was trying to use a 12:02:02  
6 shorthand but -- so let me ask a very precise question.

7 BY MR. SAVERI:

8 Q. Are you aware whether or not anyone else at  
9 Apple contacted Apple in the latter half of 2005 to  
10 express concern about the companies actively recruiting 12:02:13  
11 each other's engineers?

12 MR. TUBACH: You said "Apple" twice in that  
13 question.

14 THE WITNESS: Can you repeat the question  
15 again? 12:02:23

16 BY MR. SAVERI:

17 Q. Maybe I screwed it up. I was trying to be  
18 precise.

19 A. I'm confused on how you're using "Apple" and  
20 "Intel." 12:02:28

21 Q. I may have reversed them.

22 Do you know whether or not, in the latter half  
23 of 2005, Apple contacted anybody else at Intel to  
24 express concern about the companies actively recruiting  
25 each other's engineers? 12:02:50

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1 A. No.

2 Q. Okay. The next sentence says, "Apple and  
3 Intel" -- excuse me, "Intel and Apple discussed the  
4 fact that the trust required for a successful  
5 collaboration would be compromised and the effort  
6 itself significantly undermined if Intel's or Apple's  
7 recruiters make cold calls targeting each other's  
8 employees."

9 Do you see that?

10 A. Yes. 12:03:26

11 Q. Does that accurately describe the conversation  
12 that you did have with Mr. Mansfield in 2007?

13 A. Yes.

14 Q. On page 12, on line 5 there's a paragraph that  
15 begins "To help." 12:03:50

16 Do you see that?

17 A. Yes.

18 Q. And it says, "To help that their extensive  
19 historic collaboration was successful, Intel and Apple  
20 came to an understanding that they would avoid 12:03:59  
21 cold-calling each other's key employees involved with  
22 the collaboration and that Apple would keep Intel  
23 apprised when its employees applied for positions at  
24 Apple."

25 Did I read that right? 12:04:10



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1 A. Yes.

2 Q. Does that accurately describe the  
3 understanding that you reached with Mr. Mansfield?

4 A. Yes.

5 Q. Now, in the next paragraph at line 11 it says, 12:04:16  
6 "Thereafter, Intel and Apple would occasionally have  
7 discussions when Intel engineers approached Apple."

8 A. Yes.

9 Q. Do you see that?

10 Is that accurate? 12:04:30

11 A. Yes.

12 Q. Now, I think you identified one situation when  
13 this was discussed.

14 Do you recall that?

15 A. Yes. 12:04:40

16 Q. Reading this, does this refresh your  
17 recollection that there were in fact more than one  
18 discussion about this subject?

19 A. The way I read this?

20 Q. Yes. 12:04:53

21 A. Is that I know there were people on my team  
22 that would -- that were working with Apple and that  
23 there would occasionally be discussions. And so it  
24 wasn't about a specific employee. It was just  
25 generally. It was a general belief that we shouldn't

12:05:07

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1 be recruiting from each other's teams.

2 Q. But then if you read the next sentence, it  
3 says, "Depending on the employee, Intel would sometimes  
4 try to persuade the employee to remain at Intel."

5 Do you see that?

12:05:25

6 A. Yes.

7 Q. Is that a correct statement of fact?

8 A. Yes.

9 Q. So is it true, then, that on more than one  
10 occasion Intel would -- excuse me.

12:05:30

11 Is it true, then, that on more than one  
12 occasion Intel did in fact try to persuade the employee  
13 to remain at Intel?

14 A. Yes, I would hope so. That was the intent of  
15 those discussions, yes.

12:05:44

16 Q. Now, did you participate in the discussions  
17 that are referred to in this paragraph?

18 A. No, not that I remember.

19 Q. Okay. Were there -- are you aware that there  
20 were others at Intel that participated in the  
21 discussions that are described in this paragraph?

12:06:11

22 A. Yes.

23 Q. Do you know who those people at Intel are or  
24 were?

25 A. At least on one occasion it was someone who

12:06:23

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## REPORTER'S CERTIFICATE

The undersigned Certified Shorthand Reporter  
licensed in the State of California does hereby  
certify:

I am authorized to administer oaths or  
affirmations pursuant to Code of Civil Procedure,  
Section 2093(b), and prior to being examined, the  
witness was duly administered an oath by me.

I am not a relative or employee or attorney or  
counsel of any of the parties, nor am I a relative or  
employee of such attorney or counsel, nor am I  
financially interested in the outcome of this action.

I am the deposition officer who  
stenographically recorded the testimony in the  
foregoing deposition, and the foregoing transcript is a  
true record of the testimony given by the witness.

Before completion of the deposition, review of  
the transcript [x] was [ ] was not requested. If  
requested, any changes made by the deponent (and  
provided to the reporter) during the period allowed are  
appended hereto.

In witness whereof, I have subscribed my name  
this \_\_\_\_ day of \_\_\_\_\_, 2012.

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